

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT HARRIS,

Applicant,

v.

No. CV 13-1017 RB/CG

JONI BROWN, et al.,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's *Proposed Findings and Recommended Disposition* ("PFRD"), filed on June 4, 2014. (Doc. 15). In the PFRD, the Magistrate Judge concluded that Robert Harris had presented the Court with a mixed petition, and recommended that Mr. Harris' *Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody*, (Doc. 1), and *Motion in Opp[o]sition To: Respondents' Motion for Order of Clarification of Pro Se Petition and to Hold the Filing of an Answer in Abeyance*, (Doc. 9), construed together as the Petition, should be dismissed without prejudice. In the alternative, she recommended that Robert Harris be allowed the opportunity to dismiss his unexhausted claims and proceed only on his exhausted claim.

The parties were notified that written objections to the PFRD were due within fourteen days, and that Mr. Harris should notify the Court within that time frame if he wished to withdraw his unexhausted claims and proceed only on the exhausted claim. (Doc. 15 at 21).

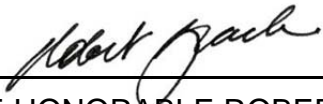
No objections have been filed and Mr. Harris has not filed any notification that

he wishes to dismiss his unexhausted claims and proceed on only his exhausted claim, and the deadline of June 23, 2014 has passed. The recommendations of the Magistrate Judge are adopted by this Court.

IT IS THEREFORE ORDERED that Robert Harris' *Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody*, (Doc. 1), together with the *Motion in Opp[o]sition To: Respondents' Motion for Order of Clarification of Pro Se Petition and to Hold the Filing of an Answer in Abeyance*, (Doc. 9), be **DISMISSED WITHOUT PREJUDICE** and all requested relief should be **DENIED**.

IT IS ALSO ORDERED that a certificate of appealability be **DENIED**.

IT IS SO ORDERED.



THE HONORABLE ROBERT BRACK
UNITED STATES DISTRICT JUDGE